


**COMMONWEALTH OF VIRGINIA**  
**Department of Environmental Quality**  
**Division of Water Programs Coordination**

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**Subject:** Guidance Memo No. 02-2015  
Repeal of the Sewerage Regulations and VDH's Adoption of the Sewage Collection and Treatment Regulations – Changes in coordination between DEQ and VDH

**To:** Regional Directors

**From:** Larry G. Lawson, P.E., Director 

**Date:** August 7, 2002

**Copies:** Regional Water Permit Managers, Regional Water Compliance Managers, Martin Ferguson, OWPP Staff, Don Wampler, Walter Gills, Mary Jo Leugers, Cal Sawyer (VDH)

**Summary:**

This memo contains changes in coordination between DEQ and the Virginia Department of Health (VDH) as a result of recent repeal of the Sewerage Regulations and VDH's adoption of the Sewage Collection and Treatment Regulations. Specifically, the roles of DEQ and VDH have been redefined regarding participation in the Preliminary Engineering Conference, the issuance of the Construction and Operation Permits, the approval of the Operation and Maintenance Manual and Sludge Management Plan, and the process of the VPDES permits and applications.

**Contact information:**

If you have any questions regarding this guidance, please contact Lily Choi at (804) 698-4054.

**Disclaimer:**

**This document is provided as guidance and, as such, sets forth standard operating procedures for the agency. However, It does not mandate any particular method nor does it prohibit any particular method for the analysis of data, establishment of a wasteload allocation, or establishment of a permit limit. If alternative proposals are made, such proposals should be reviewed and accepted or denied based on their technical adequacy and compliance with appropriate laws and regulations.**

**Repeal of the Sewerage Regulations  
and  
VDH's Adoption of the Sewage Collection and Treatment Regulations  
Changes in coordination between DEQ and VDH**

**I. Introduction**

Section 32.1-164 of the Code of Virginia authorizes the State Board of Health to promulgate regulations to govern the safe and sanitary collection, transportation, treatment, and disposal of sewage for all sewerage systems. Section 62.1-44.18 of the Code of Virginia specifies that all sewerage systems and sewage treatment works shall be under the general supervision of the State Water Control Board (Board) and the Virginia Department of Health (VDH). Further, Section 62.1-44.19 specifies that before any owner may erect, construct, open, expand or operate a sewerage system or sewage treatment works which will have a potential discharge or actual discharge to state waters, such owner shall file with the Board an application for a certificate (i.e., a VPDES permit). Before issuing the certificate, the Board shall consult with and give consideration to the written recommendations of the VDH pertaining to the protection of public health. Upon completion of advertising, the Board determines whether the application is complete. After the certificate has been issued by the Board, the owner must acquire from the VDH (i) authorization to construct the systems or works for which the Board has issued a discharge certificate and (ii) upon completion of construction, authorization to operate the sewerage system or sewage treatment works. These authorizations are to be obtained in accordance with regulations promulgated by the State Board of Health under Section 32.1-164. The VDH will then notify the Board when such authorizations are granted.

In accordance with Chapter 194 of the 1991 Acts of General Assembly, the existing Sewerage Regulations (9 VAC 25-60-10 et seq.), adopted jointly by the Board and the State Board of Health in 1977, shall remain in effect until superceded by the proposed Sewage Collection and Treatment (SCAT) Regulations (12 VAC 5-581-10 et seq.) promulgated by either board as appropriate. The SCAT Regulations, based on Section 62.1-44.19 and Section 32.1-164 of the Code of Virginia, were adopted by the Board of Health in December 2001 and they became effective on February 27, 2002. The State Water Control Board repealed the Sewerage Regulations at its May Board meeting and such action is to become effective on July 17, 2002.

The purpose of this memo is to provide staff guidance on changes required in coordination between DEQ and VDH as a result of the above regulatory changes. Specifically, this guidance intends to redefine the roles of DEQ and VDH in participating in the Preliminary Engineering Conference, the issuance of the Construction and Operation Permits, the approval of the Operation and Maintenance Manual and Sludge Management Plan, and the process of the VPDES permits and applications.

The staff may obtain an electronic copy of the SCAT Regulations at the following VDH web site address: <http://www.vdh.state.va.us/onsite/regs.htm>

**II. Preliminary Engineering Conference (PEC)/Preliminary Engineering Report (PER)**

The DEQ staff is encouraged to participate in PEC for the proposed sewage treatment works projects. Specifically, the DEQ regional construction assistance staff should attend all meetings involved with the Virginia Revolving Loan Fund (VRLF) projects, and the permit/enforcement staff should attend meetings involved with projects that are prompted by enforcement action. Reliability classification and design flow are typically discussed at these meetings. If a PER is required, VDH will provide a copy of the PER approval letter to DEQ. For VRLF projects, copies of all correspondence related to the review and approval of the PER will be provided to DEQ regional construction assistance staff. A separate PER

review and approval process will be conducted by DEQ construction assistance staff for all VRLF projects.

### III. Certificate to Construct (CTC) or Construction Permit

As of July 17, 2002, DEQ is no longer issuing CTCs. In accordance with the SCAT Regulations, a construction permit will be issued by VDH instead.

As part of the VDH construction permit application procedure, the submission and evaluation of plans, specifications, design criteria and other data may be required. VDH will solicit the following information from DEQ upon receipt of plans and specs from the owners of sewage treatment works. It is recommended that the staff provide the information to VDH within 14 days upon receipt of the request.

1. Enforcement status of the sewage treatment works;
2. Copies of the last 12-month DMR data; and
3. Overflow information if available, both at the treatment works and collection system.

Note a separate plans and specifications review and approval process will be conducted by DEQ construction assistance staff for all VRLF projects. For all projects, VDH will provide a copy of an approval letter and the construction permit to DEQ. For VRLF projects, copies of all correspondence related to the review and approval of the plans and specifications will be provided to DEQ regional construction assistance staff. In the case of pump stations or collection systems, the approval letter serves as the construction permit. As the SCAT Regulations establish a general permit for sewerage systems (12 VAC 5-581-280), the approval letter for connections to, or extensions of, any existing sewerage systems may come from the local review authority. Proper filing of these approval letters is essential since DEQ will need the VDH approval letter for all tax exemption requests prior to confirming the exemption request to the Department of Taxation. DEQ is required to provide such certification pursuant to Section 58.1-3660 of the Code of Virginia.

### IV. Certificate to Operate (CTO) or Operation Permit

Same with CTC, as of July 17, 2002, DEQ is no longer issuing CTOs. Instead, an operation permit will be issued by VDH in accordance with the SCAT Regulations.

Upon completion of the construction or modification of the sewerage systems or sewage treatment works, the owner or consultant will submit a statement of completion of construction. This statement will be verified by a final inspection conducted by VDH prior to issuance of the operation permit. For VRLF projects, DEQ construction assistance staff should participate in the final inspection. For enforcement projects, DEQ staff is encouraged to participate in the final inspection. For all projects, VDH will provide a copy of the approval letter and the operation permit to DEQ.

### V. Operation & Maintenance (O&M) Manual

Submittal of an O&M Manual is required not only by the SCAT Regulations, but also by the VPDES permit condition. Review of O&M Manuals for sewage treatment works will continue to be a joint effort of DEQ and VDH. However, in order to streamline the process, final approval of the O&M Manual will only be issued by VDH as of July 17, 2002. Note that VDH is under time constraints to evaluate and approve project submittals, as provided by the SCAT Regulations (12 VAC 5-581-130 C). DEQ and VDH must review the O&M Manual concurrently. As VDH is required to complete technical evaluations of the O&M Manual and other documents within 30 days of receipt of complete documents, DEQ staff should complete review and forward comments (E-mail acceptable) to VDH within 21 days upon receipt of complete documents. DEQ should give particular attention to the lab, sampling, and permit related

sections. VDH should review the sections dealing with operation and maintenance of the treatment works. The DEQ staff should forward review comments to VDH and, based on the sections that they reviewed, the staff could recommend approval or disapproval of the manual to VDH. Should conflicts arise as a result of DEQ and VDH review, those issues should be resolved prior to final approval. VDH will send out the final approval letter to the permittee and provide a copy to DEQ. DEQ does not need to send a separate approval letter to the permittee. For VRLF projects, copies of all correspondence related to the review and approval of the O&M Manual will be provided to DEQ regional construction assistance staff. Efforts should be made to ensure that both agencies keep an updated version on file. As indicated in the VPDES permit special condition, the approved O&M Manual is an enforceable part of the permit.

Should a revision to an existing O&M Manual be deemed necessary as a result of inspections, the DEQ staff should discuss this matter with VDH and, preferably, reach an agreement prior to sending a request to the permittee for manual revision. VDH should be copied on such request to the permittee. Review and approval of the revised O&M Manual should follow procedures discussed above.

#### VI. Sludge Management Plan (SMP)

As the VPDES Permit Regulation requires a SMP to be submitted as part of the permit application and coordination with VDH has been established through an earlier guidance memo (GM#97-004), the staff should continue to follow procedures provided in the VPDES Permit Manual, Section II. F.1 and Section MN. L.3.

#### VII. VPDES Permits and Applications

VDH Division of Wastewater Engineering Area Engineers not only serve as the primary contact in coordination of PECs, issuance of construction and operation permits, and approval of O&M Manuals, they will also coordinate VDH's comments on the VPDES permits and applications with the VDH Division of Drinking Water (formerly the Office of Water Programs) Field Offices staff. Please note copies of application and draft permit should be first sent to the VDH Division of Drinking Water Field Offices for review, as required by the VPDES Permit Manual. In order to expedite the permitting process, written comments received by e-mail are acceptable. A list of VDH Area Engineers contact information and their respective service areas is provided in Attachment A.

#### VIII. VPDES Permit Manual

As a result of the aforementioned regulatory changes, revision has been made to the following VPDES Permit Manual pages: MN-4 (Fact sheet, Item 20. a, d and f) and MN-47 (Special conditions #4 and #5). Hard copy of the permit manual may be updated by replacing these two pages with the revised pages provided in Attachment B.

**ATTACHMENT A**  
**List of VDH Area Engineers and Service Areas**

**VIRGINIA DEPARTMENT OF HEALTH  
OFFICE OF ENVIRONMENTAL HEALTH SERVICES  
DIVISION OF WASTEWATER ENGINEERING  
SEWAGE COLLECTION AND TREATMENT AREA ENGINEERS**

**Southwest Area (SWA)**

Daniel Scott, P.E.  
454 East Main Street  
Abingdon, VA 24210  
Phone: 540/646-3577  
Fax: 540/646-3172  
E-Mail: DPSCOTT@VDH.STATE.VA.US

Area Served:

Lee, Scott, Dickinson, Buchanan, Russell, Washington,  
Wise, Bland, Giles, Wythe, Smyth, Grayson, Carroll,  
Pulaski, Tazewell, Montgomery, Floyd

**Western Area (WA)**

John Schofield, P.E.  
131 Walker Street  
Lexington, VA 24450  
Phone: 540/463-1642  
Fax: 540/463-3892  
E-Mail: JSCHOFIELD@VDH.STATE.VA.US

Area Served:

Bath, Highland, Rockbridge, Augusta, Rockingham,  
Shenandoah, Page, Warren, Frederick Clarke

**West Central Area (WCA)**

Marcia J. Degen, PhD., P.E.  
P.O. Box 21534  
Roanoke, Virginia 24018  
Phone: 540/562-3500  
Fax: 540/562-3661  
E-Mail: MDEGEN@VDH.STATE.VA.US

Area Served:

Craig, Patrick, Franklin, Roanoke, Botetourt, Alleghany,  
Bedford, Amherst, Appomattox, Campbell, Pittsylvania,  
Henry

**Northern Area (NA)**

Rob Vanlier, P.E.  
400 South Main Street - 2nd Floor  
Culpeper, VA 22701-3318  
Phone: 804/975-0897  
Fax: 804/975-0893  
E-Mail: RVANLIER@VDH.STATE.VA.US

Area Served:

Nelson, Fluvanna, Albemarle, Louisa, Spotsylvania,  
Orange, Madison, Culpeper, Stafford, Rappahannock,  
Fauquier, Prince William, Fairfax, Loudoun, Arlington,  
Green

**East Central Area (ECA)**

Raymond "Reed" Barrows, P.E.  
1500 East Main Street, Room 109  
Richmond, Virginia 23219  
Phone: 804/786-1761  
Fax: 804/786-5567  
E-Mail: RBARROWS@VDH.STATE.VA.US

Area Served:

Halifax, Mecklenburg, Charlotte, Lunenburg, Prince  
Edward, Buckingham, Cumberland, Nottoway, Amelia,  
Brunswick, Dinwiddie, Sussex, Prince George, Surry,  
Chesterfield, Amelia, Powhatan, Henrico, Hanover,  
Goochland, Caroline, King George, Westmoreland,  
Northumberland, Lancaster, Richmond, Essex, King and  
Queen, King William, Charles City, New Kent,  
Greensville, Middlesex, Mathews

**Southeast Area (SEA)**

Marcy Garnett, P.E.  
5700 Thurston Avenue - Suite 203  
Virginia Beach, VA 23455  
Phone: 757/363-3881  
Fax: 757/363-3955  
E-Mail: MGARNETT@VDH.STATE.VA.US

Area Served:

Southampton, Isle of Wight, Suffolk, Chesapeake,  
Portsmouth, Virginia Beach, Hampton, York, Gloucester,  
Newport News, Norfolk, Northampton, Accomack, James  
City

ATTACHMENT B  
Revised VPDES Permit Manual Pages



## SECTION MN – MUNICIPAL

19. Compliance Schedules:  
*(Document any compliance schedules, include rationale used in developing the schedule 9 VAC 25-31-250)*
20. Special Conditions: *(Provide a rationale for all permit special conditions. See common special conditions below)*
- a. **Additional Chlorine Limitations and Monitoring Requirements**  
**Rationale:** Required by Water Quality Standards, 9 VAC 25-260-170, Fecal coliform bacteria; other waters. Also, 40 CFR 122.41(e) requires the permittee, at all times, to properly operate and maintain all facilities and systems of treatment in order to comply with the permit. This ensures proper operation of chlorination equipment to maintain adequate disinfection.
  - b. **95% Capacity Reopener**  
**Rationale:** Required by VPDES Permit Regulation, 9 VAC 25-31-200 B 2 for all POTW and PVOTW permits
  - c. **Indirect Dischargers**  
**Rationale:** Required by VPDES Permit Regulation, 9 VAC 25-31-200 B 1 for POTWs and PVOTWs that receive waste from someone other than the owner of the treatment works.
  - d. **O&M Manual Requirement**  
**Rationale:** Required by VPDES Permit Regulation, 9 VAC 25-31-190 E.
  - e. **Licensed Operator Requirement**  
**Rationale:** The VPDES Permit Regulation, 9 VAC 25-31-200 D and the Code of Virginia § 54.1-2300 et seq, Rules and Regulations for Waterworks and Wastewater Works Operators (18 VAC 160-20-10 et seq.), require licensure of operators.
  - f. **Reliability Class**  
**Rationale:** Required by Sewage Collection and Treatment Regulations, 12 VAC 5-581-20 and 120 for all municipal facilities.
  - g. **Financial Assurance and Disclosure to Purchasers**  
**Rationale:** Required by Code of Virginia § 62.1-44.18:3 and the Board's Financial Assurance Regulation, 9 VAC 25-650-10 et seq.
  - h. **Nutrient Enriched Waters Reopener**  
**Rationale:** Policy for Nutrient Enriched Waters, 9 VAC 25-40-10 allows reopening of permits for discharges into waters designated as nutrient enriched if total phosphorus and total nitrogen in a discharge potentially exceed specified concentrations. The policy anticipates that future total phosphorus and total nitrogen limits may be needed.
  - i. **Water Quality Criteria Reopener**  
**Rationale:** VPDES Permit Regulation, 9 VAC 25-31-220 D requires effluent limitations to be established which will contribute to the attainment or maintenance of water quality criteria.

## SECTION MN – MUNICIPAL

4. **O&M Manual Requirement** *(use in all municipal permits)* The permittee shall within 90 days of the [effective date of this permit] [completion of construction] either submit for approval an Operations and Maintenance (O&M) Manual, or submit a statement confirming the accuracy and completeness of the current O&M Manual, to [insert RO and Va. Dept. of Health]. The permittee shall maintain an accurate, approved O&M Manual. Future changes to the treatment works must be addressed by the submittal of a revised O&M Manual within 90 days of the changes. Non-compliance with the O&M Manual shall be deemed a violation of the permit.
5. **Licensed Operator Requirement** *(use when a licensed operator is required)* The permittee shall employ or contract at least one Class [from Regulations of the Board for Waterworks and Wastewater Works Operators] licensed wastewater works operator for this facility. The license shall be issued in accordance with Title 54.1 of the Code of Virginia and the regulations of the Board for Waterworks and Wastewater Works Operators. The permittee shall notify the Department in writing whenever he is not complying, or has grounds for anticipating he will not comply with this requirement. The notification shall include a statement of reasons and a prompt schedule for achieving compliance.
6. **Reliability Class** *(use in all municipal permits)* The permitted treatment works shall meet Reliability Class [from VDH].
7. **Financial Assurance and Disclosure to Purchasers** *(use for all privately owned sewerage systems that treat domestic wastewater generated by private residences and that discharge more than 1,000 gpd and less than 40,000 gpd)* The permittee shall provide continuous coverage to implement the approved closure plan until released from financial assurance requirements by the State Water Control Board. If a transfer of ownership or operational control of this facility occurs, the permittee shall comply with the requirements of 9 VAC 25-650 until the new owner or operator has demonstrated compliance with the requirements of 9 VAC 25-650. Failure to maintain adequate financial assurance in accordance with 9 VAC 25-650 shall be a basis for termination of this VPDES permit.
- During the term of this VPDES permit, the permittee shall revise the closure plan implementation cost estimate concurrently with any revision made to the closure plan which increases the closure plan cost. At a minimum, the permittee shall annually adjust the closure plan implementation cost estimate in accordance with 9 VAC 25-650 within 60 days prior to the anniversary date of the establishment of the approved financial assurance mechanism. The permittee shall disclose the provisions of this permit to all purchasers of property served by this permitted facility in accordance with Section 55-519 of the Code of Virginia.
- (insert the following for new or expanding discharges only)* The approved financial assurance mechanism shall be filed with the State Water Control Board no less than 90 days prior to [discharge][the permitted increase in discharge] to State waters. [Discharge][An increase in discharge] to State waters shall not be permitted unless and until an approved financial assurance mechanism is in place.
8. **Nutrient Enriched Waters Reopener** *(use for all discharges into Nutrient Enriched Waters)* This permit may be modified or alternatively revoked and reissued to include new or alternative nutrient limitations and/or monitoring requirements should the Board adopt nutrient standards for the waterbody receiving the discharge or if a future water quality regulation or statute requires new or alternative nutrient control.
9. **Water Quality Criteria Reopener** *(use when a water quality criteria parameter is monitored with no limit on the Part I A page).* Should effluent monitoring indicate the need for any water quality-